

Patent Application No. 09/681,643

REMARKS

This Response is in response to the Final Office Action dated February 13, 2004. In the Office Action, claims 1-12 were rejected under 35 USC §103. By this Response, claims 11 and 12 are renumbered to 17 and 18 respectively. Currently pending claims 1-10, 17 and 18 are believed allowable, with claim 1 being an independent claim.

In the Final Office Action, the Examiner states that the Applicant's Response filed on September 11, 2003 has been fully considered, however, the single argument made in the Response is never addressed. The Response of September 11, 2003 disagreed with the Examiner's interpretation of Gardner (U.S. Patent No. 6,066,519) as disclosing forming an oxide film on a chamber. It is respectfully submitted that Gardner discloses removing an oxide film. Gardner, col. 6, lines 8-13. The "Response to Arguments" section of the Final Office Action does not mention this argument. Since the cited references do not teach or suggest forming an oxide film as recited in claim 1, claim 1 is allowable over the cited art.

It is further submitted that to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. MPEP §706.02(j). Claim 1 recites, in part, "wherein forming the oxide film on the inner wall of the CVD processing chamber is performed before doping the source and drain." The Final Office Action does not address how this limitation is taught or suggested by the cited reference. It is respectfully submitted that the Examiner has failed to discuss, let alone establish, how this limitation is supplied by the cited references. Therefore, a *prima facie* case of obviousness has not been established for claims 1-10, 17, and 18 and the finality of the February 13, 2004 Office Action should be withdrawn.

In addition, it is respectfully submitted that the cited references do not teach or suggest, "wherein forming the oxide film on the inner wall of the CVD processing chamber is performed before doping the source and drain," as recited by claim 1 of the present Application. Thus, for at least this reason, claim 1 is allowable over the cited art. Claims 2-10, 17 and 18 are dependent on and further limit claim 1. Since claim 1 is allowable, claims 2-10, 17 and 18 are also allowable for at least the same reasons as claim 1.

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Currently pending claims 11 and 12 are renumbered herein to claims 17 and 18 to conform with the requirements of 37 CFR 1.126.


CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Response, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588